

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 98-059-T - ORDER NO. 98-441

JUNE 11, 1998

IN RE: Application of Russell Moving & Storage,)	ORDER
Inc., 411 Berkeley Drive, Moncks Corner, SC)	GRANTING
29461, for a Class E Certificate of Public)	REQUEST
Convenience and Necessity.)	

✓ MR

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of Russell Moving and Storage, Inc.(Russell or the Company) for an extension to complete its safety rating requirement and obtain a conditional interim Class E Certificate. On May 15, 1998, the Commission issued Order No. 98-355 in this Docket, in which we granted Russell a Class E Certificate of Public Convenience and Necessity to be issued after certain regulatory requirements were met. As a condition of issuing the Certificate, Russell was required to obtain a proof of safety rating, file insurance information forms, and notify the Commission of its tariff rates within sixty (60) days of the Order. The Company has completed the filing of insurance forms, except for the Form H, and has applied for membership in the South Carolina Tariff Bureau, Inc. However, Russell has been unable to complete its safety audit and obtain its safety rating, pursuant to Commission Regulation 103-133.

The Company notes that the South Carolina Department of Public Safety is now the only entity which audits transportation companies and issues safety ratings, and the

Company notes that there is a backlog for safety inspections at that Department. The Department has stated that there would be a delay of several months before the compliance inspector could meet with the Company to perform the audit and issue the safety rating. The Company has forwarded pictures of the truck in question and a copy of an inspection report on the truck.

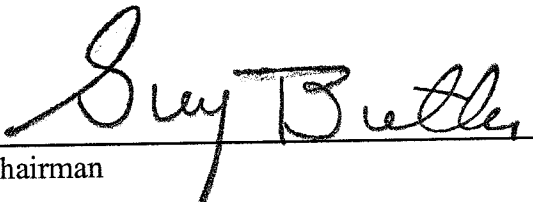
Our Regulation 103-101(2) provides that the rules of the Commission are subject to “such exceptions as may be considered just and reasonable in individual cases when strict compliance produces unusual difficulty and is not in the public interest. Russell requests that the Commission grant it an extension, since strict compliance with the Order’s sixty day requirement is impossible due to the scheduling backlog at the Department of Public Safety. The Company further requests that the Commission grant an extension of five (5) months to fulfill its safety audit and rating requirement. Russell also requests that the Commission issue a conditional Class E Certificate during the interim.

We grant the waiver. We think the backlog at the Department of Public Safety in question certainly produces a situation where strict compliance produces unusual difficulty for Russell, due to the inability of the Company to get a safety audit and rating done by any other agency. This certainly holds up Russell from complying with the Commission’s safety regulation. Further, we found in Order No. 98-355 that Russell’s service to certain areas of the State was required by the Public Convenience and Necessity. Therefore, the waiver is appropriate at this time.


We hereby grant the requested extension of five months from the date of this Order to obtain the safety rating. We hold that the Class E Certificate may be issued encompassing such authority as described in our Order No. 98-355, conditioned on Russell obtaining the safety rating within the five-month period allotted, and the Company's immediate compliance with all other Commission Regulations, including, but not limited to, the filing of the proper Form H for proof of cargo insurance. We think that the issuance of the Certificate under these conditions is in the public interest, after examining the pictures of the truck submitted by Russell, and, also, the truck's inspection form, and considering the terms of our Order No. 98-355.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)